



## ATTENTION

Probate cases on this calendar are currently under review by the probate examiners. Review of some probate cases may not be completed and therefore have not been posted.

If your probate case has not been posted please check back again later.

Thank you for your patience.

## Probate Status Hearing RE: Filing of the First or Final Account

<b>DOD: 9/10/14</b>	<b>LAURA KUHNE-IIRIGOYEN</b> was appointed as Administrator with full IAEA authority and bond set at \$245,000 on 1/7/15.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <b>Note:</b> Petition for Representative to Determine Ownership of Property and for Order Authorizing and Directing Transfer of Estate Property to Claimant is set for court trial on 4/19/16.
<b>Cont. from 030716</b>	Bond filed on 1/8/15.	
<b>Aff.Sub.Wit.</b>	Letters issued on 1/8/15.	
<b>Verified</b>		
<b>Inventory</b>	Inventory and appraisal filed on 5/18/15 showing the estate valued at \$229,047.45.	
<b>PTC</b>		
<b>Not.Cred.</b>		
<b>Notice of Hrg</b>	Minute order dated 1/7/15 set this status hearing for the filing of the first account or petition for final distribution.	
<b>Aff.Mail</b>		
<b>Aff.Pub.</b>		
<b>Sp.Ntc.</b>	<b>Former Status Report filed on 3/4/16 states</b> a Petition for Representative to Determine Ownership of Property and for Order Authorizing and Directing Transfer of Estate Property to Claimant is set for court trial on 4/19/16. Once the trial has been conducted on the matter and a decision rendered, Petitioner will be in a position to bring the estate to a close.	
<b>Pers.Serv.</b>		
<b>Conf. Screen</b>		
<b>Letters</b>		
<b>Duties/Supp</b>		
<b>Objections</b>		
<b>Video Receipt</b>		
<b>CI Report</b>		
<b>9202</b>		
<b>Order</b>		
<b>Aff. Posting</b>		
<b>Status Rpt</b>		
<b>UCCJEA</b>		
<b>Citation</b>		
<b>FTB Notice</b>		
		<b>Reviewed by:</b> KT
		<b>Reviewed on:</b> 4/13/16
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 1- Irigoyen</b>

## Probate Status Hearing RE: Next Account

		JEFFREY H. DALE, Spouse, is Successor Conservator of the Estate with bond of \$340,000.00.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
		Conservator's Third Account covering five separate account periods from 1/12/10 through 6/30/14 was settled on 2/4/15.	<u>Minute Order 1/12/16:</u> The matter is trailing the McLain Trust matters.
Cont. from 093015, 111015, 011216		At the hearing on 2/4/15, the Court set this status hearing for the filing of the next account.	<u>Note:</u> Attorney Gordon Panzak is Conservator of the Person.
Aff.Sub.Wit.			
Verified		1. Need Fourth Account or written status report pursuant to Local Rule 7.5.	
Inventory			
PTC			
Not.Cred.			
Notice of Hrg			
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
			Reviewed by: skc
			Reviewed on: 4/13/16
			Updates:
			Recommendation:
			File 2 – Dale

**3A In Re the Trust of Elaine A McLain (Trust) Case No. 11CEPR00028****Atty** Panzak, Gordon G. (for Jeff Dale – Successor Trustee – Petitioner)**Atty** Marshall, Jared (Associated counsel for Jeff Dale)**Atty** Freed, William J. (for Debbie Duehning, Guardian ad Litem for George McLain, IV)**Probate Status Hearing RE: Petition Filed 4/6/11**

<b>DOD: 5-21-08</b>	<b>DEBBIE DUEHNING</b> , as Guardian ad Litem for <b>GEORGE MCLAIN, IV</b> , filed the following petitions:	<b>NEEDS/PROBLEMS/COMMENTS:</b>
<b>Cont'd from 111015, 011216</b>		
<b>Aff.Sub.Wit.</b>	<ul style="list-style-type: none"><li>• <b>Petition for Order Compelling Trustee to Make Distribution to Trust Beneficiary; for Imposition of a Constructive Trust; and for an Accounting</b> (filed 4/6/11)</li></ul>	<u><b>Minute Order 1/12/16:</b></u> Trailing the Demurrer and Motion to Strike, which are under advisement.
<b>Verified</b>		<u><b>Note:</b></u> Order on Demurrer and Motion to Strike as to the Second Amended Petition was entered 3/30/16. See Order for details.
<b>Inventory</b>	<ul style="list-style-type: none"><li>• <b>Petition to Review Reasonableness of Trustees Compensation, Reasonableness of Attorney's Fees and Costs; for an Accounting and for Removal of the Trustee</b> (filed 8/25/11)</li></ul>	
<b>PTC</b>		
<b>Not.Cred.</b>		
<b>Notice of Hrg</b>		
<b>Aff.Mail</b>		
<b>Aff.Pub.</b>		
<b>Sp.Ntc.</b>	<b>On 2/13/15, JEFF DALE</b> , Successor Trustee, filed a <b>Motion to Dismiss</b> various petitions.	
<b>Pers.Serv.</b>		
<b>Conf. Screen</b>	<b>On 3/30/15, DEBBIE DUEHNING</b> filed a <b>Motion to Amend Petition</b> .	
<b>Letters</b>		
<b>Duties/Supp</b>		
<b>Objections</b>	Pursuant to the Court's <b>Order on 1) Motion to Dismiss; and 2) Motion for Leave to Amend Petition</b> entered 9/29/15, Mr. Dale's Motion to Dismiss was denied, and Ms. Duehning's Motion for Leave to Amend was granted, and Ms. Duehning was ordered to file and serve her amended petition.	
<b>Video Receipt</b>		
<b>CI Report</b>		
<b>9202</b>		
<b>Order</b>		
<b>Aff. Posting</b>		<b>Reviewed by:</b> skc
<b>Status Rpt</b>		<b>Reviewed on:</b> 4/13/16
<b>UCCJEA</b>		<b>Updates:</b>
<b>Citation</b>	<b>The Order also set these status hearings re the 4/6/11 Petition and the 8/25/11 Petition (Pages A and B).</b>	<b>Recommendation:</b>
<b>FTB Notice</b>		<b>File 3A - McLain</b>

**3A**

**3B In Re the Trust of Elaine A McClain (Trust) Case No. 11CEPR00028**

Atty Panzak, Gordon G. (for Jeff Dale – Successor Trustee – Petitioner)  
 Atty Marshall, Jared (Associated counsel for Jeff Dale)  
 Atty Freed, William J. (for Debbie Duehning, Guardian ad Litem for George McClain, IV)

**Probate Status Hearing RE: Petition Filed 8/25/11**

<b>DOD: 5-21-08</b>	<p><b>DEBBIE DUEHNING</b>, as Guardian ad Litem for <b>GEORGE MCLAIN, IV</b>, filed the following petitions:</p> <ul style="list-style-type: none"> <li><b>Petition for Order Compelling Trustee to Make Distribution to Trust Beneficiary; for Imposition of a Constructive Trust; and for an Accounting</b> (filed 4/6/11)</li> <li><b>Petition to Review Reasonableness of Trustees Compensation, Reasonableness of Attorney's Fees and Costs; for an Accounting and for Removal of the Trustee</b> (filed 8/25/11)</li> </ul> <p>On 2/13/15, <b>JEFF DALE</b>, Successor Trustee, filed a <b>Motion to Dismiss</b> various petitions.</p> <p>On 3/30/15, <b>DEBBIE DUEHNING</b> filed a <b>Motion to Amend Petition</b>.</p> <p>Pursuant to the Court's <b>Order on 1) Motion to Dismiss; and 2) Motion for Leave to Amend Petition</b> entered 9/29/15, Mr. Dale's Motion to Dismiss was denied, and Ms. Duehning's Motion for Leave to Amend was granted, and Ms. Duehning was ordered to file and serve her amended petition.</p> <p>The Order also set these status hearings re the 4/6/11 Petition and the 8/25/11 Petition (Pages A and B).</p> <p><b>Objection to Petition to Review Reasonableness of Attorney's Fees and Costs; for an Accounting and for Removal of Trustee</b> was filed 11/10/15 by Jeff Dale. See Objection for specific admissions, denials, and affirmative defenses.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><u>Minute Order 1/12/16</u>: Trailing the Demurrer and Motion to Strike, which are under advisement.</p> <p><u>Note</u>: Order on Demurrer and Motion to Strike as to the Second Amended Petition was entered 3/30/16. See Order for details.</p>
Cont'd from 111015, 011216		
Aff.Sub.Wit.		
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Objections		
Video Receipt		
CI Report		
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Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
	<p><b>Reviewed by:</b> skc</p> <p><b>Reviewed on:</b> 4/13/16</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p>File 3B – McClain</p>	

**3B**

**3C In Re the Trust of Elaine A McLain (Trust) Case No. 11CEPR00028**

Attorney Freed, William J. (of Oceanside, CA, for Petitioner Debbie Duehning – Conservator of George McLain, IV – Beneficiary)

Attorney Marshall, Jared C. (for Objectors Jeffrey Dale, Gordon Panzak, and Dalpar Investments, LLC)

Conservator's Second Amended Petition for Orders: 1) Compelling Trustee to Make Distribution to Trust Beneficiary; 2) For Damages for Breach of Trust/Fiduciary Duties; 3) For Damages for Fraud/Concealment; 4) for Recovery of Trust Property/Quiet Title; 5) For Recovery of Trust Assets; 6) Compelling Trustee to Perform and Accounting; 7) for Removal of Trustee; 8) for Cancellation of Deeds

Cont'd from 111815, 011216		<p><b>DEBBIE DUEHNING</b>, Conservator of the Person and Estate of <b>GEORGE MCLAIN IV</b>, beneficiary, is Petitioner.</p> <p><b>Petitioner states:</b> Respondent <b>JEFFREY DALE (DALE)</b> is currently the Conservator of the Person and Estate of <b>MICHELE L. DALE (MICHELE)</b> and has been so since approx. March of 2009. This conservatorship is managed in Fresno Superior Court Case No. 07CEPR01207. <b>DALE</b> is also <b>MICHELE's</b> husband.</p> <p>This trust was created pursuant to written declaration of trust of <b>ELAINE A. MCLAIN (ELAINE)</b> dated 3/19/96. Elaine died 5/26/08 and the trust is irrevocable. At her death, Elaine was a resident of the County of San Diego, CA. Administration of the trust is in Fresno County, CA. <b>DALE</b> is currently acting successor trustee of the trust.</p> <p><b>GEORGE</b> is a beneficiary of the trust as to a one-half interest.</p> <p>At the time of its creation, the trust was the owner of real property known as <b>528 Dawson and 1095 Allesandro</b> in Morro Bay, CA, and money invested in the Franklin California Tax Free Income Fund, Inc., Acct. xx1500.</p> <p style="text-align: center;"><b><u>SEE ADDITIONAL PAGES</u></b></p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><u>Minute Order 1/12/16:</u> Trailing the Demurrer and Motion to Strike, which are under advisement. The issue of whether or not this petition supersedes petitions of Page A and Page B is disputed.</p> <p><u>Note:</u> Order on Demurrer and Motion to Strike as to the Second Amended Petition was entered 3/30/16. See Order for details.</p> <p><u>Note:</u> This petition is titled:</p> <p style="padding-left: 40px;">Debbie Duehning, Conservator for George McLain, IV, Petitioner,</p> <p style="padding-left: 40px;">v.</p> <p style="padding-left: 40px;">Jeffrey Dale, as Trustee of the Elaine A. McLain Trust dated 3/19/96; Jeffrey Dale as Conservator of Michele L. Dale; Jeffrey Dale, an individual; Gordon Panzak, an individual; Dalpar Investments, an unknown entity; Dalpar Investments, LLC, a California limited liability company, and DOES 1-40, inclusive, Respondents.</p> <p><u>Examiner's Note:</u> Although Petitioner references Probate Code §§ 850 and 17200 in the title, it does not appear that much of the relief requested herein necessarily falls under the Probate Code.</p>	
<input type="checkbox"/>	Aff.Sub.Wit.			
<input checked="" type="checkbox"/>	Verified			
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<input type="checkbox"/>	Aff.Pub.			
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<input type="checkbox"/>	Pers.Serv.			
<input type="checkbox"/>	Conf. Screen			
<input type="checkbox"/>	Letters			
<input checked="" type="checkbox"/>	Duties/Supp			
<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input type="checkbox"/>	CI Report			
<input type="checkbox"/>	9202			
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<input type="checkbox"/>	Status Rpt			
<input type="checkbox"/>	UCCJEA			
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Reviewed by: skc
Reviewed on: 4/13/16
Updates:
Recommendation:
File 3C – McLain

3C

**Page 2**

**Petitioner states:** Persons having an interest in the trust are as follows:

- Jeff Dale, as trustee of the trust, and as conservator of the estate of Michele Dale
- George McLain, IV, Beneficiary
- Michele Dale, Beneficiary
- Debbie Duehning, Conservator of the Person and Estate of George McLain, IV
- Gordon Panzak, Attorney for Jeff Dale and Conservator of the Person of Michele Dale
- Dalpar Investments, LLC, a California limited liability company, Jeff Dale, Agent for Service of Process)
- Gary F. Bagdasarian, Court-appointed attorney for Michele Dale

Paragraph Fourth, Section E, of the Elaine Trust, provides that "Upon the death of Trustor, the trust shall terminate and be distributed to Trustor's children, George McLain, IV, and Michele L. Dale, equally."

Despite Petitioner's repeated demand, and the duty imposed on him by the trust, Dale has failed and refused to distribute that portion of the trust to which George is entitled.

At all times a confidential relationship existed between George and Dale in that Dale was serving as trustee of the trust and George was a beneficiary. Further, Dale was aware or had reason to believe that George was suffering from a form of dementia and was unable to understand the location and nature of his assets or give informed consent to any actions of Dale in connection with trust administration.

Petitioner states **GORDON PANZAK (PANZAK)** is a licensed attorney and was formerly the conservator of the estate of Michele beginning in early 2008 and continuing until Dale took over as conservator of the estate. Panzak remained and continues to serve as conservator of the person of Michele. Panzak served as conservator when the Michele conservatorship was first established and managed property in the name of the Michele conservatorship at that time.

Petitioner is unaware of the true identity of Respondents **DOES 1-40**. When Petitioner becomes aware, Petitioner will name them in place of the Doe respondents.

**Testamentary trust:** On or about 7/22/91, the George M. McLain (III) Testamentary Trust was created by and through the Decree Settling Report of Administration on Waivers of Accounting filed in the Estate of George M. McLain, Fresno Superior Court Case No. 023159. The testamentary trust held half of the community property assets of George M. McLain and Elaine McLain, with the other half remaining with Elaine. George M. McLain's share of the community assets, which was placed into the testamentary trust, consisted of his one-half interest in various accounts, personal property, and real property (**528 Dawson, 1176 Morro, and 1095 Allesandro, in Morro Bay, CA**). See petition for specific list, total value \$299,454.59 at George M. McLain's date of death (8/29/90).

Elaine retained the other half of the community assets.

**ELAINE** was to receive the income from the testamentary trust assets, and if insufficient, the trustee could apply principal for her benefit. Upon her death, the balance was to be distributed equally to George M. McLain's issue, **GEORGE and MICHELE**.

**SEE ADDITIONAL PAGES**

**Dept. 303, 9:00 a.m. Tuesday, April 19, 2016**

**Page 3**

The testamentary trust provided that George and Michele would be co-trustees; nothing was provided in the event one or both was unable to serve.

On 3/19/96, Elaine established the Elaine A. McLain Trust of 1996 (the instant trust), which originally contained as trust assets only one account and a one-half interest in only two properties in Morro Bay, CA.

George and Michele were named co-trustees of the trust, and if either were unable or unwilling to serve, Dale was the named successor co-trustee or sole trustee.

For either to be deemed unable to serve, one of the following conditions was required:

- a. One or both co-trustees resigned;
- b. A conservatorship is established over a co-trustee; or
- c. Two physicians certify incompetence.

Petitioner states Elaine moved in with Petitioner in San Diego County in 1991 when George McLain III passed away. Petitioner Debbie is the ex-wife of **GEORGE** and remained close to Elaine. Elaine lived with Petitioner for 17 years until her death in 2008.

Due to a familial genetic condition, Elaine's mental capacities were already beginning to rapidly deteriorate around the time the trust was created. Not long after, Elaine became completely unable to manage her financial affairs. Unfortunately, both George and Michele inherited the same condition and both of their mental facilities began deteriorating shortly after the time the trust was established. They were likewise unable to adequately take care of their own or anyone else's financial affairs.

Petitioner agreed that she would take care of Elaine's physical concerns, and Dale would exclusively handle Elaine's economic affairs, including those regarding the trust. Dale would also manage the testamentary trust, since George and Michele were incapable of doing so. No paperwork was created and no petitions were filed re this agreement. This agreement occurred in approx. 1996. After this, neither Petitioner nor George had access to either this trust's or the testamentary trust's financial documents, and have remained substantially in the dark as to such affairs.

**1176 Morrow:** Shortly before creation of this trust, George and Michele as co-trustees of the testamentary trust, sold one of the Morro Bay properties (1176 Morrow). At that time, one-half belonged to the testamentary trust and the other belonged to Elaine. Therefore, 50% of the proceeds were supposed to be placed in the testamentary trust, and 50% given to Elaine (as an individual).

**SEE ADDITIONAL PAGES**



**528 Dawson:** Dale had been managing Elaine's and the trust's financial affairs for several years and was making every economic decision. To accomplish financial transactions due to the deteriorated mental state of George and Michele, he would simply tell them what to sign, and they would do as requested, since they could not understand. George trusted Dale to act in his best interest. Dale would also go to Petitioner's house when it was necessary for Elaine to sign documents. Elaine never questioned Dale when he would tell Elaine or George to sign a document. In 2003, Dale took it upon himself to procure the sale of 528 Dawson. Dale was completely aware of both Michele's and George's inability to properly manage financial affairs due to their mental impairment. On or about 4/15/03, two (2) grant deeds to 528 Dawson were recorded. The first grantors were: Elaine and the testamentary trust trustees. The signatures were George and Michele, who each signed as co-trustees of the testamentary trust, and as POA for Elaine. Petitioner alleges that neither George nor Michele were capable of understanding this transaction at that time, and that Dale was aware of this, but nevertheless imposed his will on them to have them sign the deed.

The purchaser of 528 Dawson was **PANZAK**, an attorney, an associate of Dale, and soon to be Michele's conservator. Petitioner alleges that Panzak paid substantially less than fair market value for 528 Dawson and was fully aware of the windfall profit that he was receiving at the expense of a family afflicted with mental illness.

Immediately before receiving title to the property, but allegedly believing he was conveying good title, Panzak transferred 528 Dawson to an entity known as **DALPAR INVESTMENTS**. At the time it took title, its entity type was merely a "partnership," and its owners were unknown to Petitioner or George. Petitioner alleges that at the time of the transfer, **DALE** was one of the partners of Dalpar Investments.

Since Dale was entirely managing Elaine's assets and the trust's assets, he was serving in a fiduciary capacity to both Elaine and the beneficiaries. Further, by purporting to act on behalf of George and Michele, he took on fiduciary responsibilities for both of them as beneficiaries of the testamentary trust.

Despite not being the official trustee, beginning in 1996, Dale was acting as the trustee *de son tort* of the testamentary trust and the Elaine trust. As a fiduciary to the owners of record and trust beneficiaries of 528 Dawson, Dale had an obligation to fully disclose his interest in acquiring 528 Dawson, and also had a duty not to profit at the expense of the trusts or their beneficiaries.

Petitioner alleges that in order to secretly obtain an ownership interest without alerting Elaine, George, Michele, or Petitioner, he agreed with Panzak to have Panzak act as a "strawman" to obtain title and then transfer it to Dalpar Investments, in order to conceal the fact that Dale was receiving an ownership interest in 528 Dawson. Dale and Panzak were aware it would be improper for them to purchase at substantially less than fair market value, and neither informed the parties that Panzak was merely acting as a "strawman" to make an improper sale appear legitimate, or that Dale was part of Dalpar Investments and was obtaining an ownership interest in the property.

Petitioner only learned of this connection and concealment within the last two (2) years. Petitioner alleges that Panzak was aware that his role as the "strawman" was to aid and abet otherwise improper, unethical and voidable transaction appear to be legitimate.

**SEE ADDITIONAL PAGES**

**Dept. 303, 9:00 a.m. Tuesday, April 19, 2016**

**Dalpar Investments:** Petitioner alleges that Dalpar Investments, for whom Panzak originally purchased 528 Dawson, was originally a partnership between Dale and his brother, Jerry H. Dale. Dalpar Investments converted to and filed to be a California limited liability company on 3/24/10, with Jerry Dale being agent for service of process. Dalpar's address listed with the California Secretary of State is 1408 H Street, Fresno, CA 93721, the same address that Dale has listed for administration of the trust and for the conservatorship of Michele. It is also the same address that Panzak lists as his legal office with the State Bar of California. Petitioner alleges that Dalpar still holds title to 528 Dawson.

Petitioner states the sale of 528 Dawson to Panzak was a fiction created by Dale and Panzak so that Dale, through Dalpar Investments, could take title and conceal that fact from Elaine, George, and Michele, all of whom lacked capacity to understand the details and fairness of the sale.

**Elaine Trust and Testamentary Trust assets as of January 2007:** After filing her original petition in this action on 4/6/11, Petitioner became aware of financial documents re various Mainstay Investment Accounts dated 1/4/07, which indicated an account in the name of the testamentary trust, with George and Michele as co-trustees, and with an address of 365 N. Emperor Ave., which is where Dale was living at that time. As of 1/4/07, the testamentary trust's Mainstay Account had a little over \$10,000 in it.

The documents also showed two other accounts:

- a. An account titled in the name of Elaine and Michele, which Dale has since admitted that this account rightfully belonged to Elaine's trust. On 1/4/07 this account had over \$275,000 in it.
- b. An IRA for Elaine, with George and Michele as beneficiaries, with over \$60,000 on 1/4/07.

Petitioner alleges that Dale has had full control over all of the Mainstay accounts since at least 2001.

Petitioner states the testamentary trust held nearly \$300,000 in assets at its creation, mostly real property. In the present litigation, Dale has alleged that nearly all of the testamentary trust assets were depleted to provide for Elaine's support; however, Dale has never explained how much testamentary trust assets were actually used and has never provided an accounting as to the amounts transferred to Elaine's trust for her support.

Since Petitioner was personally responsible for purchasing Elaine's necessities and providing for her care from when she moved in with Petitioner in 1991 until her death, Petitioner is uniquely aware of Elaine's financial obligations. All money from Dale for Elaine's support went first to Petitioner. Petitioner alleges that Dale did not spend enough money on Elaine's support prior to her death to justify depleting the testamentary trust assets. Petitioner alleges that little of the approx. \$300,000 testamentary trust value was ever spent on Elaine's support.

Petitioner states George never received a testamentary trust distribution. Petitioner alleges that Dale removed virtually all assets from the testamentary trust and used them for purposes other than the care of Elaine.

*Examiner's note: The testamentary trust is not before the court at this time.*

**SEE ADDITIONAL PAGES**

**Divorce:** Dale filed for divorce from Michele in 2007. Following this petition, Panzak petitioned for appointment as Michele's conservator, stating that conservatorship was needed due to the pending divorce, and also because Michele's condition had left her substantially unable to manage her financial affairs. Panzak was appointed conservator of Michele's person and estate on 1/25/08.

**Death of Elaine:** After living with Petitioner continuously since 1991, Elaine passed away 5/26/08. Beginning in the early 2000s and continuing through the present, George also lived with Petitioner. Although Petitioner and George were previously divorced George was completely incapable of caring for himself or his financial affairs, and so Petitioner took him in to care for him. He was previously homeless, living on the streets.

Following Elaine's death, neither Petitioner nor George received George's distribution from Elaine's trust or any documentation from Dale as to status. On or about 9/12/08, Panzak updated the Court for Michele's conservatorship that Elaine had passed away. Although George was not placed under conservatorship for another three years, Panzak asserted that both Michele and George had "been placed under a conservatorship," and thus Dale was acting sole successor trustee of Elaine's trust.

Petitioner states at no point did any of the required conditions occur that would enable Dale to assume formal sole trusteeship of Elaine's trust prior to early 2012.

Also in the 9/12/08 update, Panzak asserted that the trust owned an account with "approximately \$400,000" in it.

On or about 11/3/08, Panzak filed an ex parte application to have various accounts titled in Elaine's name, or in the name of the trust, placed into accounts titled in the name of the Michele conservatorship. Panzak alleged that there were two primary accounts, one belonging to Elaine's trust valued over \$200,000, and an IRA with George and Michele named as beneficiaries, valued at just under \$50,000.

Petitioner alleges that Panzak never explained why Elaine's trust assets went from "approximately \$400,000" in September to a little over \$200,000 in November of the same year.

**Michele Conservatorship gains control of Elaine Trust assets; Dale decides he no longer wants a divorce so he can take over conservatorship:** Petitioner states in January 2009, Panzak filed an I&A in the Michele conservatorship stating that there was approx. \$214,000 from the Elaine trust accounts now in the name of the Michele conservatorship. Again, Panzak never explained why in September there was approx. \$400,000 and just a few months later there was only \$214,000. Along with informing the court that the Michele conservatorship now had full possession of the Elaine trust assets, Panzak indicated that Dale no longer wanted to divorce Michele, and desired to take over as conservator of Michele's estate. Panzak would continue as conservator of her person, as Dale only wanted to make decisions regarding the money.

At the time Panzak made these statements, the Michele conservatorship had the \$214,000 from the Elaine trust Mainstay Investments account, divided into two separate accounts, each containing \$107,000, representing each of George and Michele's beneficial interest.

**SEE ADDITIONAL PAGES**

**Dept. 303, 9:00 a.m. Tuesday, April 19, 2016**

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On or about 1/30/09, Dale petitioned to be successor conservator of Michele's estate, declaring under oath that "Michele received money following her mother's death ... which is her separate property." At that time and continuing to the date of this petition, neither George nor Petitioner on George's behalf has received any distribution from Elaine's estate or trust.

On or about 3/18/09, Dale was appointed conservator of Michele's estate and the court ordered all accounts unblocked including the accounts containing Elaine trust assets. Thus, as of 3/18/09, Dale, as conservator of Michele's estate and as the self-declared sole trustee of the Elaine trust, had full control over the trust funds without Court supervision.

**Dale's 2010 Conservatorship Accounting:** On or about 4/28/10, Dale filed a Second Accounting in the Michele conservatorship, reporting two accounts, each with \$107,000, representing Michele's and George's shares of the Elaine trust Mainstay Investments account. Both accounts existed when he took over as conservator.

As of 4/28/10, George had not received any distribution from Elaine's trust assets. Dale stated under penalty of perjury that the \$214,000 that Panzak received as Michele's conservator belonged to the trust, not the conservatorship.

Dale stated in the 2010 accounting that during the first year of being conservator, he combined some of the previous accounts. However, after combining the accounts, there was one account with \$108,000, but no other accounts over \$78,000. Petitioner believes Dale failed to keep separate accountings for the trust and the conservatorship and in fact commingled the funds for the two entities. Petitioner also alleges that Dale failed to keep two accounts representing George's and Michele's individual interest in the trust Mainstay account separate, and in fact commingled George and Michele's shares of the Elaine trust funds.

Pursuant to his declaration, Dale also petitioned the court to transfer the \$214,000 to the trust concurrently with the 2010 accounting, stating that money was held in certain accounts at Bank of the West (xx851 and xx373).

In his accounting, Dale stated that xx851 contained \$78,342.92, and xx373 was not included in the accounting. An account xx372 previously representing George's share of the trust contained \$108,576.14.

**Current litigation:** Although most of the Michele conservatorship filings dealt with the Elaine trust assets, and although Michele and George were the two sole beneficiaries of the Elaine trust, Petitioner and George were uninformed of pertinent facts until George received notice of Dale's April 2010 conservatorship petition for instructions to transfer funds into the Elaine trust. In May 2010, shortly after notice, Petitioner assisted George in retaining an attorney, James Pasto, SBN 48445. Mr. Pasto contacted Dale and demanded George's distribution share of Elaine trust. On or about 1/13/11, Dale filed a petition in the current matter requesting instructions re distribution (the 2011 petition for instructions).

**SEE ADDITIONAL PAGES**

**Petitioner states** although the accountings from the Michele conservatorship failed to support him, Dale alleged in his 2011 petition that the \$214,000 still remained in two separate accounts of \$107,000 each for the benefit of Michele and George, respectively. On or about 4/4/11, Dale filed a supplement to his petition. For the first time since Dale closed the Mainstay Investments account, Dale requested that only \$107,000 (instead of \$214,000) be paid to the Elaine trust. He did not explain why he only sought half of the money for the trust or explain what was going to happen to the \$107,000 remaining in the Michele conservatorship.

Petitioner alleges that the \$107,000 (approx.) transferred from the Michele conservatorship to the Elaine trust represented only George's interest of the \$214,000; the other half remaining is Michele's share.

On or about 4/21/11 (re Dale's 2011 petition), the Court signed the order Dale submitted authorizing transfer of George's \$107,000 to the Elaine trust.

On or around 4/6/11, Petitioner, on behalf of George, filed a companion petition in the instant matter (see Page A) requesting distribution of the Elaine trust assets, the imposition of a constructive trust over any assets held by the Michele conservatorship, and for an accounting. Mr. Pasto was the attorney of record at that time.

Dale's first account dated 7/29/11 indicated:

- a. A single bank account containing \$109,451.02
- b. A Franklin Templeton Investment account with a balance of \$21,631.91
- c. Elaine's IRA with a value of \$28,469.65 (which was valued at nearly \$50,000 in 2007)

In his account, Dale sought payment of \$14,400 as trustee even though for most of the time, the trust had very few assets – less than \$5,000 until 2011, when the Court ordered the Michele conservatorship to transfer the \$107,000 to the trust.

The 7/29/11 trust accounting also indicated that Panzak incurred \$19,500 in fees working for Dale as trustee, *while he was acting as conservator of Michele's estate and marshaling Elaine Trust assets away from the Elaine Trust and into the Michele conservatorship.*

Additionally, Panzak was representing Dale as trustee, even though he was the purchaser of the property at 528 Dawson.

Petitioner on behalf of George filed a petition to review the reasonableness of Dale's and Panzak's compensation, for accounting, and for removal of Dale as trustee, which petition raised the same discrepancies noted above, mainly that Dale and Panzak were seeking payment for several years in which there had been no trust activity. Mr. Pasto was still attorney of record for Petitioner. On 9/6/11, Petitioner moved to amend her original petition to add Dale as an individual defendant, and the matter was continued. Minute Order 10/3/11 reflects that Panzak stated in open court that he had placed \$170,000 and \$25,000 into separate Elaine trust accounts. The matter was continued to 1/23/12 based on representation that progress was being made toward settlement.

**SEE ADDITIONAL PAGES**

Page 9

**Mr. Pasto:** Petitioner states Mr. Pasto failed to appear at the January hearing, and the court took the petition re reasonableness off calendar at Panzak's request. When Petitioner finally reached Mr. Pasto, he agreed to file an ex parte application to have the funds transferred to petitioner, as the newly appointed conservator for George. **On 3/20/12, the Court granted the ex parte application and ordered Dale to pay all funds payable to George to Petitioner as his conservator. Petitioner states neither Dale nor Panzak ever complied with this order.**

Not long afterward, Petitioner again had trouble reaching Mr. Pasto. Although he never informed, her, it was later learned that he was suspended and not eligible to practice law on 8/11/12 and voluntarily became inactive on 12/16/13, and was ultimately disbarred on 12/20/14, all relating to allegations that he mishandled trust funds and failed to perform adequate legal representation in trust matters.

**In August 2014, Petitioner retained the services of William J. Freed, current attorney of record. With his help, and after obtaining records and filings from both the Elaine trust and the Michele conservatorship, and a "skeleton" legal filed from Mr. Pasto, Petitioner, for the first time, suspected Dale and Panzak had actively concealed their activity, which was detrimental to George's interest in the Elaine trust and the Testamentary Trust.** Previously, Petitioner was solely concerned with Dale's failure to distribute.

Prior to, and just after, Petitioner retained Mr. Freed, Dale, by and through Panzak, stated that the Elaine trust only had approx. \$100,000 and that half of that belonged to Michele. Neither Dale nor Panzak has explained what happened to the rest of the money.

**First request for relief:** Against Dale, as an individual and Trustee of the Elaine Trust, for an order directing Dale or the current trustee to forthwith distribute George's beneficial interest in the Elaine Trust.

**Second request for relief:** Against Dale, as successor trustee and trustee *de son tort* of the Elaine Trust, and Panzak, for damages for breach of trust/fiduciary duty and aiding and abetting trustee in breach of trust.

**Third request for relief:** Against Dale, Panzak, and Does 1-20, for damages for fraud/concealment.

**Fourth request for relief:** Against Dale, Panzak, Dalpar Investments, LLC, and Does 21-30, for quiet title.

**Fifth request for relief:** Against Dale, as conservator of Michele, Dale, individually, and Dale, as trustee of the Elaine Trust; Dalpar Investments, LLC, and Does 31-40, for recovery of trust assets.

**Sixth request for relief:** Against Dale, as trustee and trustee *de son tort* of the Elaine Trust, for an order compelling trustee to perform an accounting.

**Seventh request for relief:** Against Dale, for removal of trustee.

**Eighth request for relief:** Against Dale, Panzak, Dalpar Investment, and Dalpar Investment, LLC, for cancellation of deeds.

**SEE ADDITIONAL PAGES**

**Dept. 303, 9:00 a.m. Tuesday, April 19, 2016**

**Petitioner prays as follows:**

As to the first cause of action:

1. For an order directing Dale, as trustee of the Elaine Trust and/or as Conservator of the Michele Conservatorship, to pay the sum of \$109,451.00 to George;
2. For an Order directing Dale, as trustee of the Elaine Trust and/or as Conservator of the Michele Conservatorship, to pay simple interest at the legal rate of 7% per annum on the sum of \$109,451.00 from 3/20/12 to date of judgment;
3. For Attorneys fees pursuant to W&I Code § 15657(a) or 15657.5(a);
4. For punitive damages according to proof;

As to the second cause of action:

5. For damages to George according to proof;
6. For punitive damages against Dale and Panzak according to proof;

As to the third cause of action:

7. For damages to George according to proof;
8. For punitive damages against Dale and Panzak according to proof;

As to the fourth cause of action:

9. To quiet title to the real property at 528 Dawson, Morro Bay, CA, and render judgment that George is the 50% tenant in common owner of said property and that Repsondents have no ownership interest in the property adverse to George;

As to the fifth cause of action:

10. For an Order granting George an undivided 50% TIC ownership interest in the real property at 528 Dawson;
11. For recovery of the sum of at least \$109,451.00 from the Elaine Trust and/or the Conservatorship of Michele, according to proof;
12. For imposition of a constructive trust over the real property at 528 Dawson and the sum of \$109,451.00;

As to the sixth cause of action:

13. For an Order directing Dale to account for all transactions involving the Elaine Trust in the format set forth in Probate Code § 16063, from 1996 to the present;
14. For an Order directing Dale to immediately turn over to George for copying, or his legal representative, all original bank records, financial records, real estate records, trust administration papers and records and any other document concerning current or past assets of the Elaine Trust from 1996 to present;

As to the seventh cause of action:

15. For the immediate suspension of Dale as trustee of the Elaine Trust;
16. For the removal of Dale as trustee of the Elaine Trust;
17. For the appointment of Debbie Duehning as temporary and permanent trustee of the Elaine Trust, or in the alternative, for an appointment of a professional private fiduciary of the Court's choosing;

**SEE ADDITIONAL PAGES**

**Page 11**

As to the eighth cause of action:

18. For the cancellation of a grant deed for 528 Dawson from George and Michele, as attorneys in fact for Elaine McLain and as trustees of the Testamentary Trust to Panzak, recorded in the Official Records of the County of San Luis Obispo as Doc #2003037973 on 4/15/03;
19. For cancellation of a grant deed for 528 Dawson from Panzak to Dalpar Investments, recorded in the Official Records of the County of San Luis Obispo as Doc #2003037974 on 4/15/03;
20. For cancellation of a grant deed for 528 Dawson from Dalpar Investments, an California Partnership to Dalpar Investments, LLC, a California Limited Liability Company, recorded in the Official records of San Luis Obispo County as Doc #2010033932 on 7/21/10;

For all causes of action:

21. For pre-judgment interest according to proof;
22. For costs of suit;
23. For such other and further relief as the court may deem equitable, just and proper.

**Examiner's Note: As stated previously, the following matters affect this petition:**

**Page D:** Notice of Demurrer and Demurrer to the Second Amended Petition for Orders filed 11/9/15

**Page E:** Successor Trustee Jeff Dale's Notice of Motion and Motion to Strike Portions of the Second Amended Petition for Orders filed 11/9/15

**Additional Note:** On 11/10/15, Jeffrey Dale et al also filed **Objection to Petition to Review Reasonableness of Compensation**, which has a status hearing at Page B, but which petition is not technically itself before the Court at this time. As noted on Pages A and B, it is unclear if the instant Second Amended Petition at Page C supersedes one or both of those petitions previously filed.

**As such, it is unclear if Mr. Dale's Objection is specific to the petition at Page B or this amended petition at Page C. See Objection for details.**



Notice of Motion and Motion to Disqualify Opposing Counsel

			<b>DEBBIE DUEHNING</b> , Conservator of the Person and Estate of <b>GEORGE MCLAIN IV</b> , beneficiary, is Movant.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  1. Need proposed order. Local Rule 7.1.1.F.
			Movant moves the Court for an Order disqualifying opposing counsel, <b>JARED MARSHALL, Dowling Aaron, Incorporated, and GORDON PANZAK</b> , from concurrently representing Respondents:	
	Aff.Sub.Wit.		<ul style="list-style-type: none"> <li><b>JEFFREY DALE</b>, as Trustee of the Elaine A. McLain Trust dated 3/19/96 (Dale Trustee);</li> <li><b>DALPAR INVESTMENTS, LLC</b> (Dalpar);</li> <li><b>GORDON PANZAK</b> (Panzak);</li> <li><b>JEFFREY DALE</b>, as an individual (Dale Individual);</li> <li><b>JEFFREY DALE</b>, as Conservator of Michelle L. Dale (Dale Conservator); and</li> <li><b>GORDON PANZAK</b> as former Conservator of Michelle L. Dale (Panzak Conservator).</li> </ul>	
✓	Verified		This motion is brought on the grounds that Dale as Trustee has an actual conflict of interest with the position of the remaining Respondents, and Petitioner's beneficiary interests in the Trust will be injured if the concurrent representation of such interests does not cease. This motion is based upon this Notice of Motion and Motion, the concurrently filed <b>Memorandum of Points and Authorities in Support</b> , the records and files herein, upon such other evidence that may be presented at the hearing, and upon anything else this Court requests in its sound direction.  <b>Respondents' Opposition was filed 4/6/16 by JEFFREY DALE, in his individual and representative capacities, GORDON PANZAK, in his individual and representative capacities, and DALPAR INVESTMENTS, LLP (collectively, Respondents).</b>	
	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail	W		
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
	Letters			
	Duties/Supp			
✓	Objections			
	Video Receipt			
	CI Report			
	9202			
	Order	X		
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			

SEE ADDITIONAL PAGES

Reviewed by: skc
Reviewed on: 4/13/16
Updates:
Recommendation:
File 3D- McLain

**Memorandum of Points and Authorities in Support states** this case involves an egregious example of attorneys representing conflicting interests in the same manner. Jeff Dale as an individual respondent has an actual conflict of interest in this matter as Michelle Dale's conservator, and as trustee of the trust. Likewise, Gordon Panzak has an interest adverse to Dale Conservator and Dale Trustee. Finally, Dalpar has an interest adverse to Dale Conservator and Dale Trustee, and Dalpar's managing agent and representative is, once again, Jeff Dale.

Despite the obvious conflicts between the individual respondents, opposing counsel Gordon Panzak, and Dowling Aaron, Incorporated, improperly, simultaneously represent each and every respondent. However, the law is clear: such representations require an automatic, per se disqualification of opposing counsel as to all respondents in this matter.

Compounding matters more is the fact that Gordon Panzak's individual interests conflict with the interest of his own clients. Recorded grant deeds establish that Gordon Panzak assisted Jeff Dale in selling Trust property to Jeff Dale, by acting as a strawman in the transaction. Despite his egregious conflict of interest with his own clients, who claim an interest in the very property for which he assisted in taking from them, Mr. Panzak improperly continues his representation.

Under relevant law, both Gordon Panzak and Jared Marshall must be disqualified from representing any of the Respondents, and Mr. Marshall's entire firm, Dowling Aaron Incorporated, is disqualified from representing any of the Respondents.

Relevant facts: George and Michelle are the sole beneficiaries and named co-trustees of the Elaine A. McLain Trust dated 3/19/96. Due to their inability to manage their finances, Dale Trustee began acting as Trustee of the Trust. Petitioner has alleged that Dale Trustee began actively diverting Trust assets to himself not long after starting to act as Trustee. Based on Petitioner's allegations, supported by deeds included as exhibits to the Second Amended Petition (SAP), Dale Trustee sold the Dawson Property to his own company, Dalpar, at a significantly reduced price, and without disclosing to the beneficiaries his participation as the ultimate buyer. As one of only two beneficiaries of the trust, Michelle would ultimately be the recipient of ½ of the proceeds, and as Michelle's husband and eventual conservator, that effectively means that Dale sold the Dawson Property to himself at a discounted price, defrauding both his incompetent wife and his incompetent brother-in-law in the process.

In order to consummate the sale without disclosing his personal interest, Dale, acting as an individual and as trustee, obtained the assistance of Gordon Panzak to act as a strawman. The Dawson Property was initially transferred by grant deed from the Trustees to Panzak, and then Panzak *immediately* transferred the property to Dalpar (Dale). The deeds show the great lengths to which Dale and Panzak went to conceal their fraudulent transaction.

Dale Trustee has admitted the transaction took place, but states George consented. However, George did not sign the grant deed (as co-trustee with Michelle) from the Trust to Panzak until after Panzak had already executed a deed purporting to transfer the property to Dalpar. Thus, any claim that George consented is contradicted by the deeds themselves, and was also obtained without full disclosure of Dale's personal interest in obtaining the property at a price Dale himself set.

**SEE ADDITIONAL PAGES**

Page 3

Relevant facts (Cont'd): A few years later, while still acting as trustee, Dale Individual filed for divorce from Michelle. Due to Michelle's severely diminished mental capacity, Dale once again obtained the services of Gordon Panzak. Panzak petitioned for and was named Michelle's conservator. Dale asserted that conservatorship was necessary for the divorce. Dale never attempted to resign as trustee, even though he filed for divorce from one of only two beneficiaries, a clear conflict of interest.

Not long after Michelle's conservatorship was established, Elaine McLain passed away. Aware of the extent of the trust assets, Dale Individual coincidentally withdrew his divorce petition. Subsequently, Dale, as Trustee and as an individual, and Panzak, as Michelle's conservator, began marshaling the Trust assets into Michelle's conservatorship. Eventually, Dale replaced Panzak as conservator and continued diverting Trust assets away from the trust.

Dalpar: At the time of the fraudulent sale of the Dawson property, Dalpar was a general partnership. However, it recently converted into an LLC. Petitioner acquired various documents filed with the California Secretary of State (see Request for Judicial Notice in Support of Petitioner's Opposition to Respondent's Demurrer Heard on 1/12/16, Exhibits A, B). Dale Individual, along with his brother, are the owners and managing members of Dalpar Investments, LLC. Petitioner has alleged that Dale Trustee actively concealed his ownership and control of Dalpar and Petitioner did not learn of the ownership until recently.

Actual conflicts of interest: Please see P&A for detailed description of the following:

1. Dale's individual interest conflicts with Dale Conservator's interest as beneficiary of the trust.
2. Dale's individual interest conflicts with Dale's interest as trustee.
3. Dalpar's interests conflict with Dale Conservator's interest as a beneficiary.
4. Dalpar's interests conflict with Dale's interest as trustee.
5. Gordon Panzak's individual interest conflicts with Dale Trustee's interest.
6. Gordon Panzak's interest as Michelle's prior conservator conflicts with Dale Trustee's interest.
7. Dale Trustee's interest conflicts with Dale Conservator's interest.
8. Gordon Panzak's interests conflict with all of his client's interests and therefore his interests as their attorney.

**Please see P&A for legal arguments. Movant respectfully requests this Court disqualify opposing counsel from concurrently representing both Dale Trustee and the remaining Respondents.**

**SEE ADDITIONAL PAGES**

**Respondents' Opposition states** the instant motion has been brought solely for improper tactical reasons and there is no valid basis for bringing such a motion. She has no legal standing to seek disqualification, she cites little to no applicable authority in support of her position, and she fails to differentiate between potential conflicts of interest and actual conflicts of interest. See Opposition for detailed description of law and argument:

- a. Petitioner lacks legal standing to disqualify Respondents' counsel.
- b. Petitioner cites inapposite authority in the hopes of establishing automatic disqualification.
- c. Respondents' interests do not currently conflict.

Respondents state their best interests are all best served by protecting the transaction they entered into and attempting to protect themselves from liability to Petitioner. For the foregoing reasons, the motion should be denied.

**Petitioner's Reply Brief in Support of Motion to Disqualify Opposing Counsel filed 4/12/16** provides authority re standing, legal interest, conflict, and states the beneficiaries of the trust who are the real parties in interest are being represented by the alleged wrongdoer trustee. The trustee Dale has a conflict with the beneficiaries, the attorneys for all respondents have a conflict, and each individual acting in a representative capacity has a conflict, because all are alleged to have acted in their own self-interest and to the detriment of their conservatee's to whom they are fiduciarily responsible. See Reply Brief for details.

Second and Final Account and Report of Co-Conservators Following Death of Conservatee; Petition for Waiver of Fees to Co-Conservators; for Reimbursement for Out of Pocket Expense; for Allowance of Attorney Fees; for Order Discharging Co-Conservators, and Delivery of Assets

DOD: 1/23/15		NEEDS/PROBLEMS/COMMENTS:	
Cont. from 030116			
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg		
✓	Aff.Mail		W
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
✓	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	2620(c)		X
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
		<p><b><u>OFF CALENDAR</u></b></p> <p>Amended petition filed 4/5/16 is set for hearing on 5/12/16.</p>	
		Reviewed by: skc	
		Reviewed on: 4/13/16	
		Updates:	
		Recommendation:	
		File 6- Inman	

**11 Randolph Douglas Wood (Estate)****Case No. 15CEPR00949****Attorney: Ryan Michael Janisse (for Petitioner Richard M. Ransom)****Attorney: Jeffrey B. Pape (for Objector/Contestant Joshua Wood)****Petition for Probate of Will and for Letters Testamentary with IAEA**

<b>DOD: 8/28/15</b>	<b><u>Letters of Special Administrator Expire on</u></b> <b><u>4/190/2016</u></b>		<b>NEEDS/PROBLEMS/COMMENTS:</b>  <b>Note:</b> Joshua Wood had filed a Contest and Grounds of Objection to Probate of Purported Will. The Contest was dismissed with prejudice on 3/10/16.  1. Petition states Decedent Deeded his residence to the Petitioner prior to his death and that he is informed and believes that as a result of the deed, the Decedent's estate is essentially a zero asset estate and this petition is not required. Petitioner further states a copy of said Deed is attached as Exhibit 1. However, here is no Exhibit 1 attached to the petition.  <b>Please see additional page</b>
	<b>RICHARD M. RANSOM</b> , is petitioner and requests appointment as Executor without bond.  <b>Richard M. Ransom</b> was appointed Special Administrator Ex Parte on 9/25/15.  Full IAEA – o.k.  Will dated 8/6/14  Residence: Fresno Publication: Fresno Business Journal  <b>Estimated value of the estate:</b> Personal property - \$6,000.00  <b>Probate Referee: Rick Smith</b>  <b>Objection of Joshua Wood filed on 10/29/15.</b> Objector states he opposes the appointment of Richard Ransom as Special Administrator. Objector filed a Contest and Grounds of Objection to Probate of Will in this matter. Ricard Ransom is named as respondent in the Contest. The allegations in the Petition for Special Administrator support the appointment of a Special Administrator.  However, in light of the factual allegations of the Contest and Grounds of Objection, good cause exists to deny the appointment of Richard Ransom as Special Administrator. Rather, it is submitted that the Fresno County Public Administrator be appointed as they are a neutral party.  <b>Wherefore, Objector prays that the Court:</b>  1. Deny Richard Ransom's Petition for Appointment as Special Administrator; 2. Appoint the Fresno County Public Administrator as Special Administrator.		
<b>Cont. from 110415, 010516</b>			
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>			
<input checked="" type="checkbox"/> <b>Verified</b>			
<input type="checkbox"/> <b>Inventory</b>			
<input type="checkbox"/> <b>PTC</b>			
<input type="checkbox"/> <b>Not.Cred.</b>			
<input checked="" type="checkbox"/> <b>Notice of Hrg</b>			
<input checked="" type="checkbox"/> <b>Aff.Mail</b>	<input type="checkbox"/> <b>W/</b>		
<input checked="" type="checkbox"/> <b>Aff.Pub.</b>			
<input type="checkbox"/> <b>Sp.Ntc.</b>			
<input type="checkbox"/> <b>Pers.Serv.</b>			
<input type="checkbox"/> <b>Conf. Screen</b>			
<input checked="" type="checkbox"/> <b>Letters</b>			
<input checked="" type="checkbox"/> <b>Duties/Supp</b>			
<input checked="" type="checkbox"/> <b>Objections</b>			
<input type="checkbox"/> <b>Video Receipt</b>			
<input type="checkbox"/> <b>CI Report</b>			
<input type="checkbox"/> <b>9202</b>			
<input checked="" type="checkbox"/> <b>Order</b>			
<input type="checkbox"/> <b>Aff. Posting</b>			
<input type="checkbox"/> <b>Status Rpt</b>			
<input type="checkbox"/> <b>UCCJEA</b>			
<input type="checkbox"/> <b>Citation</b>			
<input type="checkbox"/> <b>FTB Notice</b>			

**Reviewed by: KT****Reviewed on: 4/12/16****Updates:****Recommendation:****File 11 – Wood**

**Note:** If the petition is granted, status hearings will be set as follows:

- **Wednesday, September 14, 2016** at 9:00 a.m. in Department 303, for the filing of the inventory and appraisal.
- **Wednesday, June 15, 2017** at 9:00 a.m. in Department 303, for the filing of the first account or petition for final distribution.

Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior the date set the status hearing will come off calendar and no appearance will be required.

**Petition for Probate of Will and for Letters of Administration with Will Annexed;  
Authorization to Administer under IAEA**

<b>DOD: 4/25/13</b>		<b>JUANITA G. SALINAS</b> , Daughter, is Petitioner and requests appointment as Administrator with Will Annexed with Limited IAEA without bond.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
<b>Cont. from 121515, 021616, 032916</b>		Petitioner states the two named executors, Maria Candelaria Carrillo and Alberto Garcia, have both declined to act.	<p><b>Minute Order 3/29/16:</b> For the record, Alberto Garcia and Maria Carrillo each state in open court that they are unwilling to serve as executors of this estate. The Court finds due diligence as to Paulina Paon, Jaime Garcia, Jr., Paul Garcia, and Jose Garcia, and dispenses with notice. The matter is continued for notice as to Benabe Reyes, III, only, and it is the Court's intention to grant the petition upon said notice being completed.</p> <p><b>Note:</b> Notice of Petition to Administer Estate was served by mail on Benabe Reyes, III, on 3/29/16.</p> <p><b>Note:</b> Examiner notes previously noted that declinations were needed from the two named co-executors, Maria Candelaria Carrillo and Alberto Garcia. Because both stated in open court that they are unwilling to serve, that note has been cleared.</p> <p>See Page 2 for status hearings.</p>
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>	s/p	
<input checked="" type="checkbox"/>	<b>Verified</b>		
<input type="checkbox"/>	<b>Inventory</b>		
<input type="checkbox"/>	<b>PTC</b>		
<input type="checkbox"/>	<b>Not.Cred.</b>		
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>		
<input checked="" type="checkbox"/>	<b>Aff.Mail</b>	w/o	
<input checked="" type="checkbox"/>	<b>Aff.Pub.</b>		
<input type="checkbox"/>	<b>Sp.Ntc.</b>		
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<input type="checkbox"/>	<b>Conf. Screen</b>		
<input type="checkbox"/>	<b>Letters</b>		
<input checked="" type="checkbox"/>	<b>Duties/Supp</b>		
<input type="checkbox"/>	<b>Objections</b>		
<input type="checkbox"/>	<b>Video Receipt</b>		
<input type="checkbox"/>	<b>CI Report</b>		
<input type="checkbox"/>	<b>9202</b>		
<input checked="" type="checkbox"/>	<b>Order</b>		
<input type="checkbox"/>	<b>Aff. Posting</b>		
<input type="checkbox"/>	<b>Status Rpt</b>		
<input type="checkbox"/>	<b>UCCJEA</b>		
<input type="checkbox"/>	<b>Citation</b>		
<input type="checkbox"/>	<b>FTB Notice</b>		



## Page 2

**Verified Response to Examiner Notes states** the two named co-executors are represented by Attorney Kent Klassen. Mr. Klassen and his clients have attended both prior hearings in this proceeding and have taken no action to secure their appointment as executors of the estate. Petitioner seeks appointment as administrator based on her status as an interested person. The purpose of estate administration is equivalent to an action for partition. The estate holds a one-half interest in the real property in Parlier, and Petitioner holds the other half. Petitioner cannot sell the property unless someone is appointed to act on behalf of the estate. Petitioner seeks to sell the property subject to court supervision, with proceeds distributed pursuant to probate administration.

The named executors have voiced concerns regarding a loan secured by the real property made by Bank of America. Petitioner represents that unpaid principal balance on that loan is approx. \$3,966 as of 3/1/16 and the loan is current, and the remaining balance will be deducted solely from her share and not charged against the estate.

As for the requirement of the bond, the real property does not generate income and there is no personal property. Upon confirmation of sale, Petitioner anticipates placing the proceeds into a blocked account.

Petitioner provides the names of issue of predeceased children, but states pursuant to the will they are not entitled to distribution pursuant to the will.

**Note: If granted, status hearings will be set as follows:**

- **Tuesday, September 20, 2016 at 9:00am in Dept. 303** for filing of the Inventory & Appraisal; and
- **Tuesday, June 20, 2017 at 9:00am in Dept. 303** for filing of the Accounting/Petition for Final Distribution

Pursuant to Local Rule 7.5, if the required documents are filed 10 days prior to the hearings on the matter, the status hearing will come off calendar and no appearance will be required.

**Petition for Probate of Will and for Letters of Administration with Will Annexed;  
Authorization to Administer under IAEA**

<b>DOD: 11/7/09</b>		<b>NOAH BULBULIAN</b> , Grandson, is Petitioner and requests appointment as Administrator with Will Annexed with Full IAEA without bond.  All heirs waive bond.  Named Executor Joshua Bulbulian declines to act and nominates petitioner.  Named Alternate Executor Van Bulbulian is deceased.  Full IAEA – ok  Will dated 2/21/06  Residence: Parlier Publication: Business Journal  <b>Estimated value of estate:</b> Annual income: \$ 7,200.00 Real property: \$200,000.00 Total: \$207,200.00  Probate Referee: Steven Diebert	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <b>1. Need Letters.</b>  <u>Note:</u> The Court will set status hearings as follows:  <ul style="list-style-type: none"> <li>Wednesday, August 31, 2016 for filing Inventory and Appraisal</li> <li>Wednesday, May 31, 2017 for filing the first account or petition for final distribution.</li> </ul> (Note: The above status dates were chosen to correspond with the status dates set in related matter Estate of Gary N Bulbulian 16CEPR00182.)	
<b>Cont. from 010516</b>				
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>			S/P
<input checked="" type="checkbox"/>	<b>Verified</b>			
<input type="checkbox"/>	<b>Inventory</b>			
<input type="checkbox"/>	<b>PTC</b>			
<input type="checkbox"/>	<b>Not.Cred.</b>			
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>			
<input checked="" type="checkbox"/>	<b>Aff.Mail</b>	w		
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<input type="checkbox"/>	<b>Sp.Ntc.</b>			
<input type="checkbox"/>	<b>Pers.Serv.</b>			
<input type="checkbox"/>	<b>Conf. Screen</b>			
<input checked="" type="checkbox"/>	<b>Letters</b>			
<input checked="" type="checkbox"/>	<b>Duties/Supp</b>			
<input type="checkbox"/>	<b>Objections</b>			
<input type="checkbox"/>	<b>Video Receipt</b>			
<input type="checkbox"/>	<b>CI Report</b>			
<input type="checkbox"/>	<b>9202</b>			
<input checked="" type="checkbox"/>	<b>Order</b>			
<input type="checkbox"/>	<b>Aff. Posting</b>			
<input type="checkbox"/>	<b>Status Rpt</b>			
<input type="checkbox"/>	<b>UCCJEA</b>			
<input type="checkbox"/>	<b>Citation</b>			
<input type="checkbox"/>	<b>FTB Notice</b>			

15A

Wilma Dell Tashjian (CONS/PE)

Case No. 16CEPR00056

Attorney

Burnside, Leigh W. (for Petitioners Patti D. Houston and Janice M. Rush)

Attorney

Petty-Jones, Teresa (for Proposed Conservatee Wilma Dell Tashjian)

Attorney

Istanboulian, Flora (Court appointed for Proposed Conservatee Wilma Dell Tashjian)

## Petition for Appointment of Probate Conservator of the Person and Estate

		See petition for details.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  Court Investigator advised rights on 1/19/16  <u>Minute Order 3/8/16:</u> Ms. Burnside represents that the parties are close to a resolution; she requests 30 days. All orders remain in full force and effect, including the order rendering all estate planning documents null and void. Temp conservatorship of the estate only with Public Guardian extended to 4/19/16.  As of 4/13/16, the following issues remain noted:  1. The Capacity Declaration does not support medical consent or dementia powers. (See Page B.)  2. Need new order on current updated Judicial Council Form GC-340, which was updated on 1/15/16.  <u>Note:</u> If granted, the Court will set status hearings as follows: <ul style="list-style-type: none"> <li>Tuesday, June 7, 2016 for filing bond</li> <li>Tuesday, August 16, 2016 for filing Inventory and Appraisal</li> <li>Tuesday, June 20, 2017 for filing the first account.</li> </ul> If Petitioners are appointed, the Court will also set a separate status hearing for the filing of the account of the Public Guardian as Temporary Conservator of the Estate for Tuesday, August 16, 2016.	
Cont. from 022316, 030816				
<input type="checkbox"/>	Aff.Sub.Wit.			
<input checked="" type="checkbox"/>	Verified			
<input type="checkbox"/>	Inventory			
<input type="checkbox"/>	PTC			
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<input checked="" type="checkbox"/>	Notice of Hrg			
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<input checked="" type="checkbox"/>	Conf. Screen			
<input checked="" type="checkbox"/>	Letters			
<input checked="" type="checkbox"/>	Duties/Supp			
<input checked="" type="checkbox"/>	Objections			
<input checked="" type="checkbox"/>	Video Receipt			
<input checked="" type="checkbox"/>	CI Report			
<input type="checkbox"/>	9202			
<input checked="" type="checkbox"/>	Order			
<input type="checkbox"/>	Aff. Posting			
<input type="checkbox"/>	Status Rpt			
<input type="checkbox"/>	UCCJEA			
<input checked="" type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			
Reviewed by: skc				
Reviewed on: 4/13/16				
Updates:				
Recommendation:				
File 15A- Tashjian				

15A

**15B**                      **Wilma Dell Tashjian (CONS/PE) Case No. 16CEPR00056**  
Attorney                Burnside, Leigh W. (for Petitioners Patti D. Houston and Janice M. Rush)  
Attorney                Petty-Jones, Teresa (for Proposed Conservatee Wilma Dell Tashjian)  
Attorney                Istanbulian, Flora (Court appointed for Proposed Conservatee Wilma Dell Tashjian)

**Ex Parte Application for Order Authorizing Completion of Capacity Declaration - HIPAA**

		See petition for details.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <u>Minute Order 3/8/16:</u> Ms. Burnside represents that the parties are close to a resolution; she requests 30 days. All orders remain in full force and effect, including the order rendering all estate planning documents null and void. Temp conservatorship of the estate only with Public Guardian extended to 4/19/16.  <u>Note:</u> This application was filed ex parte on 1/29/16. The Court's order of 1/29/16 set the matter for hearing with 15 days' notice. Notice of hearing was subsequently served on all interested parties on 1/29/16.	
Cont. from 022316, 030816				
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail			W
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
	Letters			
	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			
			Reviewed by: skc	
			Reviewed on: 4/13/16	
			Updates:	
			Recommendation:	
			File 15B- Tashjian	

**15B**